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COMMISSION ON HUMAN RIGHTS
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Agenda item 11(a)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina*, Australia, Austria, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Czech Republic*, France, Germany, Guatemala*, Japan, Jordan*, Kenya, Malawi, Nicaragua*, Peru, Philippines*, Poland, Republic of Korea, Romania, Russian Federation, Senegal*, Ukraine*, Uruguay and Venezuela: draft resolution

Strengthening of the rule of law

The Commission on Human Rights,

Recalling that the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all, without any distinction as to race, sex, language and religion, is one of the purposes of the United Nations,

Recalling also that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Convinced also that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Considering that the rule of law contributes to the proper maintenance of law and order and the legal development of social relations and provides a means of ensuring that the State does not exercise its powers in an arbitrary way,

Considering also that under the provisions of the Universal Declaration of Human Rights everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Bearing in mind the various resolutions adopted on the programme of advisory services in the field of human rights, most recently its resolution 1993/87 of 10 March 1993, and the need to strengthen that programme and to make it more effective,

Recognizing that, particularly in developing countries which are fully committed to human rights and may face difficulties in this area, the United Nations system should contribute with technical, material and financial resources to assist those Governments that so request to develop and strengthen the rule of law with a view to ensuring respect for human rights and fundamental freedoms,

Recognizing the need for the United Nations to equip itself with the mechanisms required for making a more positive and significant contribution to strengthening the rule of law in countries engaged in such efforts,

Aware that, to that end, the Centre for Human Rights should be able to offer concrete technical advice and financial support to national projects aiming at the improvement of the human rights situation,

Recalling its resolutions 1992/51 of 3 March 1992 and 1993/50 of 9 March 1993, both entitled "Strengthening of the rule of law",

Noting with appreciation that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, recommended that priority be given to national and international action to promote democracy, development and human rights,

Recalling General Assembly resolution 48/132 of 20 December 1993, entitled "Strengthening of the rule of law",

1. Endorses the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations, to be coordinated by the Centre for Human Rights, in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law;

2. Expresses its conviction that such a programme should be able to provide, upon the request of the interested Government, technical and financial assistance for the implementation of national plans of action as well as specific projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the proper functioning of the rule of law;

3. Underlines the importance of the request made by the General Assembly to the Secretary-General, in accordance with the recommendation contained in part II, paragraph 70, of the Vienna Declaration and Programme of Action, to submit concrete proposals to the General Assembly at its forty-ninth session containing alternatives for the establishment, structure, operational modalities and funding of the proposed programme, taking into account existing programmes and activities already undertaken by the Centre for Human Rights;

4. Decides to remain actively seized of this question, with a view to further elaborating the outline of the proposed programme;

5. Also decides to continue its consideration of this question at its fifty-first session, under the agenda sub-item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", in the light of the proposals of the Secretary-General.